

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re: Application Pursuant to
28 U.S.C. § 1782 of

FARHAD AZIMA
5921 Ward Parkway
Kansas City, Missouri 64113

Petitioner,

v.

AMIR HANDJANI
290 West Street, Apartment 6A
New York, NY, 10013

Respondent.

No. mc-

**APPLICATION FOR ORDER TO TAKE DISCOVERY PURSUANT TO
28 U.S.C. § 1782**

Farhad Azima respectfully moves for an order pursuant to 28 U.S.C. § 1782 to allow him to issue subpoenas pursuant to Federal Rule of Civil Procedure 45 directing Amir Handjani to produce documents and submit to a deposition for use in connection with a case pending in the High Court of Justice of England and Wales (the “UK Court”) in two actions styled *Farhad Azima-v-(1) Dechert LLP (2) Neil Gerrard (3) James Buchanan (4) Stuart Page* (Claim Number: BL-2021-000666) and *Farhad Azima -v- (1) RAKIA (2) Stuart Page (3) Neil Gerrard (4) Dechert LLP and (5) James Edward Deniston Buchanan* (Claim Number: HC-2016-002798).

As explained in the accompanying memorandum of law and declaration of Dominic Holden, Mr. Azima’s application satisfies all three statutory requirements necessary to obtain discovery under section 1782: “(1) that the person from whom discovery is sought reside (or be found) in the district of the district court to which the application is made, (2) that the discovery

be for use in a proceeding before a foreign tribunal, and (3) that the application be made by a foreign or international tribunal or ‘any interested person.’” *In re App. of Schmitz*, 259 F. Supp. 2d 294, 296 (S.D.N.Y. 2003) (quoting *In re Edelman*, 295 F.3d 171, 175-76 (2d Cir. 2002)). Specifically, Mr. Handjani resides and can be found in the Southern District of New York; Mr. Azima seeks this discovery for use in a proceeding pending before a foreign tribunal, the UK Court; and Mr. Azima is an “interested person,” as the plaintiff in the UK proceeding.

In addition, the four discretionary factors identified by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-65 (2004), all weigh in favor of granting this Application. Mr. Handjani is not a party to the proceedings before the UK Court; the UK Court is not opposed to this form of discovery; Mr. Azima is not concealing an attempt to circumvent the requirements of the UK Court; and the discovery sought is narrowly tailored so as not to be unduly burdensome to Mr. Handjani.

Thus, Mr. Azima respectfully requests this Court to enter an order:

1. Granting Mr. Azima’s Application for discovery from Mr. Handjani pursuant to 28 U.S.C. § 1782;
2. Authorizing Mr. Azima to take discovery from Mr. Handjani relating to the issues identified in his Application, including issuing subpoenas for a deposition and the production of documents as described in this application;
3. Directing Mr. Handjani to comply with such subpoenas in accordance with the Federal Rules of Civil Procedure and the Rules of this Court; and
4. Appointing the undersigned to issue, sign and serve such subpoenas upon Mr. Handjani.

Respectfully submitted,

Dated: June 29, 2021

/s/ Calvin Lee

Calvin Lee
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CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2021, I caused a true and correct copy of (1) Farhad Azima's Application for Order to Take Discovery Pursuant to 28 U.S.C. § 1782 and the proposed order granting the Application sent via Federal Express overnight delivery to the following addresses:

Amir Handjani
290 West Street, Apartment 6A
New York, NY, 10013

Amir Handjani
122 E. 42nd Street, Suite 2005
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/s/ Calvin Lee
Calvin Lee